Notice of Allowability	Application No.	Applicant(s)
	10/721,994	MIYASHITA, TOMOHIRO
	Examiner	Art Unit
	Joshua L. Pritchett	2872
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this or other appropriate communicat IGHTS. This application is subjection.	application. If not included ion will be mailed in due course. THIS
1. \boxtimes This communication is responsive to <u>Amendment filed Feb</u>	ruary 27, 2007.	
2. X The allowed claim(s) is/are <u>3-8,10,11,20,21 and 23-25.</u>		
 3. Acknowledgment is made of a claim for foreign priority ur a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 	e been received.	
2. Certified copies of the priority documents have been received in Application No		
3. Copies of the certified copies of the priority documents have been received in this national stage application from the		
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF		
INFORMAL PATENT APPLICATION (PTO-152) which give	itted. Note the attached EXAMINI es reason(s) why the oath or deck	ER'S AMENDMENT or NOTICE OF aration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.		
(a) I including changes required by the Notice of Draftspers	son's Patent Drawing Review (PT	O-948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
(b) including changes required by the attached Examiner's Paper No./Mail Date		
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t		
 DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT 	sit of BIOLOGICAL MATERIA FOR THE DEPOSIT OF BIOLOG	L must be submitted. Note the ICAL MATERIAL.
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. Notice of Informa 6. Interview Summa Paper No./Mail I 7. Examiner's Amer 8. Examiner's State 9. Other	ary (PTO-413), Date Indirient/Comment Iment of Reasons for Allowance
		THONG NGUYEN PRIMARY EXAMINER

DETAILED ACTION

This action is in response to After Final Amendment filed February 27, 2007. Claim 5 has been amended and claim 26 has been cancelled as requested by the applicant.

Response to Arguments

Applicant's arguments, see Amendment, filed February 27, 2007, with respect to claim 5 have been fully considered and are persuasive. The rejection of claim 5 has been withdrawn.

Applicant amended claim 5 to include the allowable subject matter of claim 26.

Allowable Subject Matter

Claims 3-8, 10, 11, 20, 21 and 23-25 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 3, the prior art fails to teach or suggest a microscope with an objective lens and an intermediate magnification varying part which varies the magnification of an image observed through the objective lens, wherein the intermediate magnification varying part has a positive power lens group and a negative power lens group and in a high magnification state the positive power lens group is just after the objective lens and in the low magnification state the

negative power lens group is just after the objective lens and the intermediate magnification varying part is rotatable about an axis orthogonal to the optical axis of the objective lens.

Regarding claim 5, the prior art fails to teach or suggest wherein the intermediate magnification varying part has a positive power lens group and a negative power lens group and in a high magnification state the positive power lens group is just after the objective lens and in the low magnification state the negative power lens group is just after the objective lens and the intermediate magnification varying part rotates 180-degrees to switch between the high and low magnification states.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571₇272-1000.

Joshua L Pritchett

Examiner

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PRIMARY EXAMINER